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12 Attorneys for Defendant
13 ALZA CORPORATION

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 IN RE: DITROPAN XL ANTITRUST
17 LITIGATION

CASE No. MDL Docket No. 1761 (JSW) (EDL)

18 THIS DOCUMENT RELATES TO:
19 THE INDIRECT PURCHASER ACTION

20 **STIPULATION AND [PROPOSED] ORDER
21 AUTHORIZING BRIEFS IN EXCESS OF
22 PAGE LIMITATIONS IN CONNECTION
23 WITH INDIRECT PURCHASERS'
24 MOTION TO COMPEL**

25 This stipulation is entered into by and between the Indirect Purchaser Plaintiffs (“End-Payor
26 Plaintiffs”) and Defendant Alza Corporation (“Alza”), through their counsel of record.

27 Currently pending before the Court is the End-Payor Plaintiffs’ motion to compel the
28 production of privileged documents and information from Alza. The End-Payor Plaintiffs argue that
the crime-fraud exception vitiates Alza’s privilege with its counsel in connection with 112 documents
that Alza has withheld from production. Both parties agree that this is a significant motion that raises
complex factual and legal issues that go to the substantive merits of the case. Recognizing that Alza
is limited to only one brief on this motion, Plaintiffs have agreed to give Alza additional pages so that
it may fully brief and explain this matter to the Court. Accordingly, the parties respectfully request

1 that the Court permit Alza and the End-Payor Plaintiffs to exceed the page limitations provided for in
2 Civ. L.R. 7-4(b) by 10 and 5 additional pages in their opposition and reply briefs, respectively.
3

4 WHEREFORE, based on the foregoing facts and circumstances, and pursuant to Civil L. R.
5 6-2 and 7-12, and good cause appearing therefore, the parties hereby agree and stipulate that:
6

- 7 a. Alza shall have 10 additional pages for its opposition brief due on October 2, 2007;
8 and
9 b. End-Payor Plaintiffs shall have 5 additional pages for its reply brief due on October 9,
10 2007.

11 **STIPULATED AND AGREED TO BY:**

12 Dated: September 24, 2007

13 By: _____ /s/ Edward A. Wallace

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26 *Attorneys for Indirect Purchaser Plaintiffs*

1 Dated: September 24, 2007

2 By: _____ /s/ Michael A. Sitzman _____

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14
15 Attorneys for Defendants Alza Corporation
16 and Ortho-McNeil Pharmaceutical, Inc.

17
18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19 Dated: September 25, 2007

20
21 Magistrate Judge Elizabeth D. Laporte
22 United States District Court Magistrate



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